

ARIAS & LOCKWOOD  
1881 S. Business Center Drive, Suite 9A  
San Bernardino, California 92408

Arthur K. Cunningham, SBN 97506  
[Arthur.Cunningham@LewisBrisbois.Com](mailto:Arthur.Cunningham@LewisBrisbois.Com)  
James C. Packer, SBN 77675  
[James.Packer@LewisBrisbois.Com](mailto:James.Packer@LewisBrisbois.Com)  
**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
650 East Hospitality Lane, Suite 600  
San Bernardino, California 92408  
(909) 387-1130 - Phone  
(909) 387-1138 - Fax

Christopher D. Lockwood, SBN 110853  
[christopher.lockwood@AriasLockwood.com](mailto:christopher.lockwood@AriasLockwood.com)  
**Arias & Lockwood, Attorneys at Law**  
1881 S. Business Center Drive, Suite 9A  
San Bernardino, California 92408  
(909) 890-0125 - Phone  
(909) 890-0185 - Fax

Attorneys for Defendants County of Riverside, Sheriff Stanley Sniff, William DiYorio, Jerry Gutierrez, Deputy McCollum, Deputy P. Salazar, Deputy Matthew Bell, Deputy Dominguez, Deputy Monzon, Deputy Bresyn, Sgt. Stone, Deputy Griesinger, Deputy Mitchell, Deputy Jesus Perez, Deputy Jonathan Toan, Sergeant Christopher Wedel

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DAVID MANZO, by and through his  
Conservator, Genoveva Manzo,

Plaintiff,

vs.

COUNTY OF RIVERSIDE; STANLEY  
SNIFF, Sheriff of Riverside County;  
ANDREW SHOUSE, Captain of Robert  
Presley Detention Center; JERRY  
GUTIERREZ, Corrections Assistant  
Sheriff; Deputy MCCOLLUM; Deputy  
P. SALAZAR; Deputy JONATHAN  
TOAN; Sergeant CHRISTOPHER  
WEDEL; Nurse ENEKA; KEVIN  
SANCHEZ; ROSS LUSTED; and DOES  
1 through 125,

Defendants.

CASE NO.: 5:17-cv-1165 JGB (Sp)

ANSWER TO **THIRD** AMENDED  
COMPLAINT BY DEFENDANTS  
**COUNTY OF RIVERSIDE, SHERIFF  
STANLEY SNIFF, WILLIAM  
DIYORIO, JERRY GUTIERREZ,  
DEPUTY MATTHEW BELL, DEPUTY  
DOMINGUEZ, DEPUTY MONZON,  
DEPUTY BRESYN, SGT. STONE,  
DEPUTY GRIESINGER, DEPUTY  
MITCHELL, DEPUTY JESUS PEREZ,  
DEPUTY JONATHAN TOAN,  
SERGEANT CHRISTOPHER WEDEL**

DEMAND FOR TRIAL BY JURY

1 Defendants **County of Riverside, Sheriff Stanley Sniff, William DiYorio,**  
2 **Jerry Gutierrez, Deputy Matthew Bell, Deputy Dominguez, Deputy Monzon,**  
3 **Deputy Bresyn, Sgt. Stone, Deputy Griesinger, Deputy Mitchell, Deputy Jesus**  
4 **Perez, Deputy Jonathan Toan, Sergeant Christopher Wedel**<sup>1</sup> answer the third  
5 amended complaint as follows:

6 *Unnumbered preliminary statement*

7 The allegations are denied.

8 *Jurisdiction*

9 1. Federal jurisdiction is admitted.

10 *Venue*

11 2. Venue is admitted. It is denied there were any unlawful acts or practices.

12 *Claim requirements*

13 3. It is admitted that plaintiff filed a claim for damages. It is denied that the  
14 claim mentions all of the defendants named in the third amended complaint.

15 *Conservatorship established*

16 4. The allegations are denied for lack of information and belief.

17 *Parties*

18 5. The allegations are admitted.

19 6. It is denied that the Sheriff's Department is an "agency" of the County of  
20 Riverside. As its name states, it is a Department. The other allegations are admitted.

21 7. It is admitted that Sheriff Sniff is the elected Sheriff for the County of  
22 Riverside, and as Sheriff he is the ultimate policy maker for the Sheriff's Department  
23 of the County of Riverside. The other allegations are denied.

24 8. It is admitted that William DiYorio is the Undersheriff for the County of  
25 Riverside and in that role assists Sheriff Sniff in supervising the Sheriff's Department  
26 for the County of Riverside. The other allegations are denied.

---

27  
28 <sup>1</sup>Defendants Deputy Salazar and Deputy McCollum filed an answer to the  
third amended complaint previously. (Docket number 94)

1           9. It is admitted that Jerry Gutierrez is an Assistant Sheriff for the County of  
2 Riverside and in that role assists Sheriff Sniff in supervising the Corrections Division  
3 of the Sheriff's Department for the County of Riverside. The other allegations are  
4 denied.

5           10. It is admitted that Andrew Shouse was a captain for the Sheriff's  
6 Department for the County of Riverside and was the captain for the Robert Presley  
7 Detention Center. The other allegations are denied.

8           11. It is admitted that Matthew Bell was a deputy sheriff employed by the  
9 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
10 It is admitted that he had some contact with plaintiff on October 25, 2016. The  
11 remaining allegations are denied.

12           12. It is admitted that Deputy Dominguez was a deputy sheriff employed by the  
13 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
14 It is admitted that he had some contact with plaintiff on October 25, 2016. The  
15 remaining allegations are denied.

16           13. It is admitted that Deputy Monzon was a deputy sheriff employed by the  
17 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
18 It is admitted that he had some contact with plaintiff on October 25, 2016. The  
19 remaining allegations are denied.

20           14. It is admitted that Deputy Bresyn was a deputy sheriff employed by the  
21 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
22 The remaining allegations are denied.

23           15. It is admitted that Sergeant Stone was a deputy sheriff employed by the  
24 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
25 The remaining allegations are denied.

26           16. It is admitted that Deputy Griesinger was a deputy sheriff employed by the  
27 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
28 The remaining allegations are denied.

1           17. It is admitted that Deputy Mitchell was a deputy sheriff employed by the  
2 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
3 The remaining allegations are denied.

4           18. It is admitted that Deputy Perez was a deputy sheriff employed by the  
5 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
6 The remaining allegations are denied.

7           19. It is admitted that Sergeant Wedel was a deputy sheriff employed by the  
8 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
9 The remaining allegations are denied.

10           20. It is admitted that Deputy Toan was a deputy sheriff employed by the  
11 County of Riverside and that he was assigned to the Robert Presley Detention Center.  
12 The remaining allegations are denied.

13           21. It is admitted that nurse Akpangbo was employed by the County of  
14 Riverside as a nurse in the Robert Presley Detention Center. The remaining allegations  
15 are denied.

16           22. It is admitted that nurse Kim was employed by the County of Riverside as  
17 a nurse in the Robert Presley Detention Center. The remaining allegations are denied.

18           23. It is admitted that nurse Cortez was employed by the County of Riverside  
19 as a nurse in the Robert Presley Detention Center. The remaining allegations are  
20 denied.

21           24. The allegations are admitted.

22           25. The allegations are admitted.

23           26. It is admitted that Kevin Sanchez was an inmate at the Robert Presley  
24 Detention Center on October 25, 2016. The remaining allegations are denied for lack  
25 of information and belief.

26           27. It is admitted that Ross Lusted was an inmate at the Robert Presley  
27 Detention Center on October 25, 2016. The remaining allegations are denied for lack  
28 of information and belief.

1           28. This paragraph references unidentified people. The allegations are denied  
2 for lack of information and belief.

3           29. This paragraph references unidentified people. The allegations are denied  
4 for lack of information and belief.

5           30. This paragraph references unidentified people. The allegations are denied  
6 for lack of information and belief.

7           31. This paragraph references unidentified people. The allegations are denied  
8 for lack of information and belief.

9           32. It is admitted that the named deputy and nurse defendants who had contact  
10 with plaintiff or who observed plaintiff were acting in the course and scope of  
11 employment at the times they had contact with plaintiff or observed him. Allegations  
12 about unidentified people are denied for lack of information and belief. The remaining  
13 allegations are denied.

14 *Statement of facts*

15           33. It is admitted that on September 5, 2016, deputies Salazar and McCollum  
16 responded to a call for service in Perris, California. The remaining allegations are  
17 denied or are denied for lack of information and belief.

18           34. The allegations are denied.

19           35. It is admitted that on September 5, 2016 plaintiff hit deputy Salazar with a  
20 lit cigarette and it is admitted that plaintiff was arrested and booked into custody. It is  
21 admitted that plaintiff was later transferred to the Robert Presley Detention Center.  
22 The remaining allegations are denied.

23           36. The allegations are denied.

24           37. The allegations are denied.

25           38. The allegations are denied.

26           39. It is admitted that Jerry Gutierrez is an Assistant Sheriff for the County of  
27 Riverside and in that role assists Sheriff Sniff in supervising the Corrections Division  
28 of the Sheriff's Department for the County of Riverside. It is admitted that the County

1 has policies applicable to jails in general and has procedures applicable to specific  
2 jails. The remaining allegations are denied.

3 40. It is admitted that on October 25, 2016, while plaintiff was in dayroom 5A  
4 of the Robert Presley Detention Center, inmate Sanchez struck plaintiff. Allegations  
5 concerning inmate Lunsted are denied for lack of information and belief. It is admitted  
6 that at least one deputy was in the pod office for dayroom 5A on October 25, 2016.  
7 The remaining allegations are denied.

8 41. It is admitted that the altercation between plaintiff and inmate Sanchez was  
9 recorded on video. The remaining allegations are denied.

10 42. It is admitted that after inmate Sanchez struck plaintiff, a deputy directed  
11 other inmates to return to their cells. The remaining allegations are denied.

12 43. The allegations are denied.

13 44. It is admitted that deputies in the jail have access to the JIMS system. The  
14 remaining allegations are denied.

15 45. The allegations are denied.

16 46. The allegations are denied.

17 47. It is admitted that the jail has equipment which allows deputies to lock cell  
18 doors. The remaining allegations are denied.

19 48. The allegations are denied.

20 49. It is admitted that deputies entered the dayroom in order to stop inmates  
21 from further injuring plaintiff. The remaining allegations are denied.

22 50. The allegations are denied.

23 51. The allegations are denied.

24 52. It admitted that this paragraph paraphrases one portion of a report. The  
25 remaining allegations are denied.

26 53. It admitted that this paragraph paraphrases one portion of a report. The  
27 remaining allegations are denied.

28 54. It admitted that this paragraph paraphrases one portion of a report. The

1 remaining allegations are denied.

2 55. It admitted that this paragraph paraphrases one portion of a report. The  
3 remaining allegations are denied.

4 56. It admitted that this paragraph paraphrases one portion of a report. The  
5 remaining allegations are denied.

6 57. It admitted that this paragraph paraphrases one portion of a report. The  
7 remaining allegations are denied.

8 58. The allegations are denied.

9 54. It admitted that this paragraph paraphrases one portion of a report. The  
10 remaining allegations are denied.

11 55. It admitted that this paragraph paraphrases one portion of a report. The  
12 remaining allegations are denied.

13 56. The allegations are denied.

14 57. It admitted that this paragraph paraphrases one portion of a report. The  
15 remaining allegations are denied.

16 58. The allegations are denied.

17 59. It is admitted that deputies Bell, Dominguez and Monzon were deputy  
18 sheriffs assigned to the Robert Presley Detention Center, and that they had some  
19 contact with plaintiff. The remaining allegations are denied.

20 60. The allegations are denied.

21 61. It is admitted that deputies Bell, Dominguez and Monzon were deputy  
22 sheriffs assigned to the Robert Presley Detention Center, and that they had some  
23 contact with plaintiff. The remaining allegations are denied.

24 62. The allegations are denied.

25 63. The allegations are denied.

26 64. It is admitted that plaintiff was transported by wheelchair. The remaining  
27 allegations are denied.

28 65. The allegations are denied.

1           66. The allegations are denied.

2           67. It is admitted that sergeants Stone and Wedel were sergeants assigned to the  
3 Robert Presley Detention Center. The remaining allegations are denied.

4           68. The allegations are denied.

5           69. The allegations are denied.

6           70. The allegations are denied.

7           71. The allegations are denied.

8           72. It is admitted that on February 18, 2015, Eddy Soriano was an inmate at the  
9 Robert Presley Detention Center. It is admitted that on February 18, 2015, Stanley  
10 Sniff, William Di Yorio, Jerry Gutierrez, Andrew Shouse, Stone, Christopher Wedel  
11 were employees of the Riverside County Sheriff's Department. The remaining  
12 allegations are denied.

13           73. It is admitted that on February 18, 2015, Eddy Soriano was beaten by his  
14 cellmate, and that the incident was investigated. It is admitted that plaintiff's counsel  
15 previously filed a lawsuit on behalf of Mr. Soriano. The remaining allegations are  
16 denied.

17           74. The allegations are denied.

18           75. The allegations are denied.

19           76. The allegations are denied.

20           77. The allegations are denied.

21           78. It is admitted that inmates have been injured in County jails by other  
22 inmates. The remaining allegations are denied.

23           79. It is admitted that all Riverside County deputy sheriffs complete training  
24 which complies with POST standards. It is denied for lack information and belief  
25 whether every single deputy, including unidentified doe defendants, had the specific  
26 training alleged in this paragraph.

27           80. The allegations are denied.

28           81. The allegations are denied.



1           82. The allegations are denied.

2           83 This paragraph mostly makes legal contentions. It is admitted that the  
3 County of Riverside provides medical care for inmates in County custody. The  
4 remaining factual allegations are denied.

5           84. This paragraph mostly makes legal contentions. It is admitted that the  
6 Sheriff's Department has a field operations manual. The remaining allegations are  
7 denied.

8           85. It is admitted that the Sheriff's Department has general orders. The  
9 remaining allegations are denied.

10          86. It is admitted that the Sheriff's Department has captains to whom specific  
11 tasks are assigned. The remaining allegations are denied.

12          87. The allegations are denied.

13          88. This paragraph mostly makes legal contentions. It is admitted that the  
14 Sheriff's Department has policies and procedures which govern its employees and  
15 which provide grounds for discipline. The remaining allegations are denied.

16          89. This paragraph mostly makes legal contentions. It is admitted that the  
17 Sheriff's Department has policies and procedures which govern its employees and  
18 which provide grounds for discipline. The remaining allegations are denied.

19          90. This paragraph mostly makes legal contentions. It is admitted that  
20 California law sets training standards for law enforcement officers. The remaining  
21 allegations are denied.

22          91. It is admitted that the policy manual addresses medical care. It is denied that  
23 this paragraph quotes the manual or that the allegations completely and accurately  
24 address the provisions of the manual. The remaining allegations are denied.

25          92. This paragraph mostly makes legal contentions. It is admitted that the  
26 Sheriff's Department has policies and procedures which address training of employees.  
27 The remaining allegations are denied.

28          93. This paragraph mostly makes legal contentions. Any intended factual

1 allegations are denied.

2 94. The allegations are denied.

3 95. It is admitted that the Gray v. County of Riverside lawsuit was filed and  
4 settled. The remaining allegations are denied.

5 96. It is admitted that the Gray v. County of Riverside lawsuit was filed and  
6 settled. The remaining allegations are denied.

7 97. The allegations are denied.

8 98. The allegations are denied.

9 99. The allegations are denied.

10 100. The allegations are denied.

11 *Damages*

12 101. The allegations are denied.

13 102. The allegations are denied.

14 *First claim*

15 103. The court dismissed this claim without leave to amend. The responses to  
16 incorporated paragraphs are incorporated by reference.

17 104. The court dismissed this claim without leave to amend. It is admitted that  
18 on October 25, 2016, plaintiff was injured by inmate Sanchez. The allegations as to  
19 injuries inflicted by inmate Lunsted are denied based upon lack of information and  
20 belief. The remaining allegations are denied.

21 105. The court dismissed this claim without leave to amend. It is admitted that  
22 on October 25, 2016, plaintiff was a pretrial detainee. The rest of this paragraph makes  
23 legal contentions. Any intended factual allegations are denied.

24 106. The court dismissed this claim without leave to amend. The allegations  
25 are denied.

26 107. The court dismissed this claim without leave to amend. It is ambiguous  
27 what plaintiff means by “at all times.” It is admitted that at the time they had contact  
28 with or observed plaintiff, defendants who observed or had contact with plaintiff acted

1 in the course and scope of their employment. It is denied that they acted in the course  
2 and scope of their employment at all other unstated times. Allegations about  
3 unidentified people are denied for lack of information and belief.

4 108. The court dismissed this claim without leave to amend. The allegations  
5 are denied.

6 109. The court dismissed this claim without leave to amend. The allegations  
7 are denied.

8 110. The court dismissed this claim without leave to amend. The allegations  
9 are denied.

10 111. The court dismissed this claim without leave to amend. The allegations  
11 are denied.

12 112. The court dismissed this claim without leave to amend. The allegations  
13 are denied.

14 113. The court dismissed this claim without leave to amend. The allegations  
15 are denied.

16 114. The court dismissed this claim without leave to amend. The allegations  
17 are denied.

18 115. The court dismissed this claim without leave to amend. It admitted that  
19 this paragraph partly paraphrases one portion of an affidavit in support of an arrest  
20 warrant. The remaining allegations are denied.

21 116. The court dismissed this claim without leave to amend. The allegations  
22 are denied.

23 117. The court dismissed this claim without leave to amend. The allegations  
24 are denied.

25 118. The court dismissed this claim without leave to amend. The allegations  
26 are denied.

27 *Second claim*

28 119. The responses to incorporated paragraphs are incorporated by reference.

1           120. The court dismissed portion of this claim which allege failure to intervene  
2 in the fight among inmates without leave to amend. The allegations are denied.

3           121. The court dismissed portion of this claim which allege failure to intervene  
4 in the fight among inmates without leave to amend. The allegations are denied.

5           122. The court dismissed portion of this claim which allege failure to intervene  
6 in the fight among inmates without leave to amend. The allegations are denied.

7           123. The court dismissed portion of this claim which allege failure to intervene  
8 in the fight among inmates without leave to amend. The allegations are denied.

9           124. The court dismissed portion of this claim which allege failure to intervene  
10 in the fight among inmates without leave to amend. The allegations are denied.

11           125. The court dismissed portion of this claim which allege failure to intervene  
12 in the fight among inmates without leave to amend. The allegations are denied.

13           126. The court dismissed portion of this claim which allege failure to intervene  
14 in the fight among inmates without leave to amend. The allegations are denied.

15           127. The court dismissed portion of this claim which allege failure to intervene  
16 in the fight among inmates without leave to amend. The allegations are denied.

17 *Third claim*

18           128. The responses to incorporated paragraphs are incorporated by reference.

19           129. This paragraph mostly makes legal contentions. Any intended factual  
20 allegations are denied.

21           130. This paragraph mostly makes legal contentions. Any intended factual  
22 allegations are denied.

23           131. The allegations are denied.

24           132. This paragraph mostly makes legal contentions. Any intended factual  
25 allegations are denied.

26           133. The allegations are denied.

27           134. The allegations are denied.

28           135. The allegations are denied.

1 136. The allegations are denied.

2 137. The allegations are denied.

3 138. The allegations are denied.

4 139. The allegations are denied.

5 140. The allegations are denied.

6 141. The allegations are denied.

7 142. It is admitted that Sheriff Sniff had authority to enact policies for County  
8 jails. It admitted that Sheriff Sniff, Assistant Sheriff DiYorio, and Chief Deputy  
9 Gutierrez have supervisory authority over deputies. It admitted that former Captain  
10 Shouse and Sergeants Wedel and Stone have some supervisory authority over deputies.  
11 The remaining allegations are denied.

12 143. The allegations are denied.

13 144. The allegations are denied.

14 145. The allegations are denied.

15 146. The allegations are denied.

16 *Fourth claim*

17 147. The court dismissed this claim without leave to amend. The responses to  
18 incorporated paragraphs are incorporated by reference.

19 148. The court dismissed this claim without leave to amend. This paragraph  
20 makes legal contentions. Any intended factual allegations are denied.

21 149. The court dismissed this claim without leave to amend. This paragraph  
22 makes legal contentions. Any intended factual allegations are denied.

23 150. The court dismissed this claim without leave to amend. The allegations  
24 are denied.

25 151. The court dismissed this claim without leave to amend. This paragraph  
26 makes legal contentions. Any intended factual allegations are denied.

27 152. The court dismissed this claim without leave to amend. The allegations  
28 are denied.

1           153. The court dismissed this claim without leave to amend. The allegations  
2 are denied.

3           154. The court dismissed this claim without leave to amend. The allegations  
4 are denied.

5           155. The court dismissed this claim without leave to amend. The allegations  
6 are denied.

7           156. The court dismissed this claim without leave to amend. The allegations  
8 are denied.

9           157. The court dismissed this claim without leave to amend. The allegations  
10 are denied.

11           158. The court dismissed this claim without leave to amend. The allegations  
12 are denied.

13           159. The court dismissed this claim without leave to amend. The allegations are  
14 denied.

15           160. The court dismissed this claim without leave to amend. The allegations  
16 are denied.

17           161. The court dismissed this claim without leave to amend. The allegations  
18 are denied.

19           162. The court dismissed this claim without leave to amend. The allegations  
20 are denied.

21           163. The court dismissed this claim without leave to amend. The allegations  
22 are denied.

23           164. The court dismissed this claim without leave to amend. The allegations  
24 are denied.

25           165. The court dismissed this claim without leave to amend. The allegations  
26 are denied.

27           166. The court dismissed this claim without leave to amend. The allegations  
28 are denied.

1           167. The court dismissed this claim without leave to amend. The allegations  
2 are denied.

3           168. The court dismissed this claim without leave to amend. The allegations  
4 are denied.

5           169. The court dismissed this claim without leave to amend. The allegations  
6 are denied.

7           170. This claim is not against these answering defendants. The allegations are  
8 denied.

9 *Fifth claim*

10           171. The responses to incorporated paragraphs are incorporated by reference.

11           172. The allegations are denied.

12           173. The allegations are denied.

13           174. It is admitted that the Gray v. County of Riverside lawsuit was filed and  
14 settled. The remaining allegations are denied.

15           175. It is admitted that the Gray v. County of Riverside lawsuit was filed and  
16 settled. The remaining allegations are denied.

17           176. It is admitted that the Gray v. County of Riverside lawsuit was filed and  
18 settled. The remaining allegations are denied.

19           177. The allegations are denied.

20           178. The allegations are denied.

21           179. The allegations are denied.

22           180. The allegations are denied for lack of information and belief.

23           181. The allegations are denied.

24           182. The allegations are denied.

25           183. The allegations are denied.

26           184. The allegations are denied.

27           185. The allegations are denied.

28           186. The allegations are denied.

1 187. The allegations are denied.

2 188. The allegations are denied.

3 189. The allegations are denied.

4 190. The allegations are denied.

5 191. The allegations are denied.

6 192. The allegations are denied.

7 193. The allegations are denied.

8 194. The allegations are denied.

9 195. The allegations are denied.

10 196. The allegations are denied.

11 197. The allegations are denied.

12 198. The allegations are denied.

13 199. The allegations are denied.

14 200. The allegations are denied.

15 201. The allegations are denied.

16 202. The allegations are denied.

17 203. The allegations are denied.

18 204. The allegations are denied.

19 205. The allegations are denied.

20 *Sixth claim*

21 206. This claim is not against these answering defendants. The responses to  
22 incorporated paragraphs are incorporated by reference.

23 207. This claim is not against these answering defendants. This paragraph  
24 mostly makes legal contentions. Any intended factual allegations are denied.

25 208. This claim is not against these answering defendants. This paragraph  
26 mostly makes legal contentions. Any intended factual allegations are denied.

27 209. This claim is not against these answering defendants. The allegations are  
28 denied.



1           210. This claim is not against these answering defendants. The allegations are  
2 denied.

3           211. This claim is not against these answering defendants. The allegations are  
4 denied.

5           212. This claim is not against these answering defendants. The allegations are  
6 denied.

7 *Seventh claim*

8           213. The responses to incorporated paragraphs are incorporated by reference.

9           214. This paragraph mostly makes legal contentions. Any intended factual  
10 allegations are denied.

11           215. This paragraph mostly makes legal contentions. It is admitted that the  
12 specified people were County employees. Any other intended factual allegations are  
13 denied.

14           216. This paragraph mostly makes legal contentions. Any intended factual  
15 allegations are denied.

16           217. The allegations are denied.

17           218. The allegations are denied.

18           219. This paragraph mostly makes legal contentions. Any intended factual  
19 allegations are denied.

20           220. The allegations are denied.

21           221. The allegations are denied.

22           222. It is admitted that this paragraph partly paraphrases a report. The  
23 remaining allegations are denied.

24           223. It is admitted that this paragraph partly paraphrases a report. The  
25 remaining allegations are denied.

26           224. It is admitted that this paragraph partly paraphrases a report. The  
27 remaining allegations are denied.

28           225. It is admitted that this paragraph partly paraphrases a report. The

1 remaining allegations are denied.

2 226. The allegations are denied.

3 227. The allegations are denied.

4 228. It is admitted that this paragraph partly paraphrases a report. The  
5 remaining allegations are denied.

6 229. The allegations are denied.

7 230. The allegations are denied.

8 231. The allegations are denied.

9 232. It is admitted that the three specified people (who are inaccurately named)  
10 are nurses who were acting in the course and scope of their employment during  
11 interactions with plaintiff. The remaining allegations are denied.

12 233. This claim is not against these answering defendants. This paragraph  
13 mostly makes legal contentions. Any intended factual allegations are denied.

14 234. It is admitted that the three specified people (who are inaccurately named)  
15 are nurses who were acting in the course and scope of their employment during  
16 interactions with plaintiff. The remaining allegations are denied.

17 235. This claim is not against these answering defendants. The allegations are  
18 denied.

19 236. This claim is not against these answering defendants. The allegations are  
20 denied.

21 237. The allegations are denied.

22 238. This paragraph mostly makes legal contentions. Any intended factual  
23 allegations are denied.

24 239. The allegations are denied.

25 240. This paragraph mostly makes legal contentions. Any intended factual  
26 allegations are denied.

27 241. The allegations are denied.

28 242. The allegations are denied.

1           243. The allegations are denied.

2       *Eighth claim*

3           244. This claim is not against these answering defendants. The responses to  
4 incorporated paragraphs are incorporated by reference.

5           245. This claim is not against these answering defendants. The allegations are  
6 denied.

7           246. This claim is not against these answering defendants. The allegations are  
8 denied.

9           247. This claim is not against these answering defendants. The allegations are  
10 denied.

11          248. This claim is not against these answering defendants. The allegations are  
12 denied.

13          249. This claim is not against these answering defendants. The allegations are  
14 denied.

15          250. This claim is not against these answering defendants. The allegations are  
16 denied.

17          251. This claim is not against these answering defendants. The allegations are  
18 denied.

19          252. This claim is not against these answering defendants. The allegations are  
20 denied.

21       *Ninth claim*

22          253. This claim is not against these answering defendants. The responses to  
23 incorporated paragraphs are incorporated by reference.

24          254. This claim is not against these answering defendants. It is admitted that  
25 plaintiff quoted a portion of the cited statute.

26          255. This claim is not against these answering defendants. This paragraph  
27 mostly makes legal contentions. Any intended factual allegations are denied.

28          256. This claim is not against these answering defendants. The allegations are

1 denied.

2 257. This claim is not against these answering defendants. The allegations are  
3 denied.

4 258. This claim is not against these answering defendants. The allegations are  
5 denied.

6 259. This claim is not against these answering defendants. The allegations are  
7 denied.

8 260. This claim is not against these answering defendants. The allegations are  
9 denied.

10 261. This claim is not against these answering defendants. The allegations are  
11 denied.

12 *Tenth claim*

13 262. This claim is not against these answering defendants other than the County  
14 of Riverside. The responses to incorporated paragraphs are incorporated by reference.

15 263. This claim is not against these answering defendants other than the County  
16 of Riverside. The allegations are denied.

17 264. This claim is not against these answering defendants other than the County  
18 of Riverside. The allegations are denied.

19 265. This claim is not against these answering defendants other than the County  
20 of Riverside. The allegations are denied.

21 266. This claim is not against these answering defendants other than the County  
22 of Riverside. The allegations are denied.

23 267. This claim is not against these answering defendants other than the County  
24 of Riverside. The allegations are denied.

25 268. This claim is not against these answering defendants other than the County  
26 of Riverside. The allegations are denied.

27 269. This claim is not against most of these answering defendants. The  
28 allegations are denied.

1           270. This claim is not against these answering defendants other than the County  
2 of Riverside. The allegations are denied.

3           271. This claim is not against these answering defendants other than the County  
4 of Riverside. The allegations are denied.

5           272. This claim is not against these answering defendants other than the County  
6 of Riverside. The allegations are denied.

7           273. This claim is not against these answering defendants other than the County  
8 of Riverside. The allegations are denied.

9           274. This claim is not against these answering defendants other than the County  
10 of Riverside. The allegations are denied.

11           275. This claim is not against these answering defendants other than the County  
12 of Riverside. The allegations are denied.

13           276. This claim is not against these answering defendants other than the County  
14 of Riverside. The allegations are denied.

15           277. This claim is not against these answering defendants other than the County  
16 of Riverside. The allegations are denied.

17           278. This claim is not against these answering defendants other than the County  
18 of Riverside. The allegations are denied.

19           279. This claim is not against these answering defendants other than the County  
20 of Riverside. The allegations are denied.

21 *Eleventh claim*

22           280. This claim is not against these answering defendants. The responses to  
23 incorporated paragraphs are incorporated by reference.

24           281. This claim is not against these answering defendants. The allegations  
25 concerning Sanchez are admitted. The allegations concerning Lunsted are denied for  
26 lack of information and belief.

27           282. This claim is not against these answering defendants. It is admitted that  
28 Sanchez injured plaintiff. Allegations concerning inmate Lunsted are denied for lack

1 of information and belief. Allegations about what plaintiff intends to prove at trial are  
2 denied for lack of information and belief.

3 283. This claim is not against these answering defendants. The allegations are  
4 denied for lack of information and belief.

5 284. This claim is not against these answering defendants. The allegations  
6 concerning inmate Sanchez are admitted. Allegations concerning inmate Lunsted are  
7 denied for lack of information and belief.

8 285. This claim is not against these answering defendants. It is admitted that  
9 plaintiff was injured. Allegations about the cause and extent of injuries are denied for  
10 lack of information and belief.

11 286. This claim is not against these answering defendants. This paragraph  
12 mostly makes legal contentions. Any intended factual allegations are a matter for the  
13 trier of fact and cannot be admitted or denied by these defendants.

#### 14 15 **AFFIRMATIVE DEFENSES**

16 These answering defendants assert the following defenses:

17 1. (Qualified immunity) The individual defendants are entitled to qualified  
18 immunity because either (a) the law was not clearly established or (b) a reasonable  
19 deputy familiar with the law could believe that defendants did not violate the federal  
20 Constitution.

21 2. (Comparative negligence - defense to state law claim) Plaintiff's injuries and  
22 damages were caused in whole or in part by his own actions, by the actions of inmate  
23 Sanchez (and possibly inmate Lunsted), and by the actions of others.

24 3. (Failure to mitigate) Plaintiff has failed to mitigate his claimed damages.

25 4. (State law immunities - state law claim) Defendants are immune pursuant to  
26 Government Code § 820.2, 820.8, 845.2, 845.6, 855.6, 855.8, and 856.

27 5. (State law defense) Defendants assert the provisions of Civil Code § 1431.2.  
28

**PRAYER**

Wherefore defendants County of Riverside, Sheriff Stanley Sniff, William DiYorio, Jerry Gutierrez, Deputy Matthew Bell, Deputy Dominguez, Deputy Monzon, Deputy Bresyn, Sgt. Stone, Deputy Griesinger, Deputy Mitchell, Deputy Jesus Perez, Deputy Jonathan Toan, Sergeant Christopher Wedel pray for the following:

1. Judgment in favor of defendants and against plaintiff.
2. Costs of suit and reasonable attorney's fees.
3. Such other and further relief as the court may deem proper.

DATED: August 8, 2018

ARIAS AND LOCKWOOD

/s/  
\_\_\_\_\_  
Christopher D. Lockwood  
Attorneys for defendants County of Riverside,  
Sheriff Stanley Sniff, William DiYorio, Jerry  
Gutierrez, Deputy McCollum, Deputy P.  
Salazar, Deputy Matthew Bell, Deputy  
Dominguez, Deputy Monzon, Deputy Bresyn,  
Sgt. Stone, Deputy Griesinger, Deputy  
Mitchell, Deputy Jesus Perez, Deputy Jonathan  
Toan, Sergeant Christopher Wedel

**DEMAND FOR TRIAL BY JURY**

Defendants County of Riverside, Sheriff Stanley Sniff, William DiYorio, Jerry Gutierrez, Deputy Matthew Bell, Deputy Dominguez, Deputy Monzon, Deputy Bresyn, Sgt. Stone, Deputy Griesinger, Deputy Mitchell, Deputy Jesus Perez, Deputy Jonathan Toan, Sergeant Christopher Wedel demand trial by jury.

DATED: August 8, 2018

ARIAS AND LOCKWOOD

/s/  
\_\_\_\_\_  
Christopher D. Lockwood  
Attorneys for defendants County of Riverside,  
Sheriff Stanley Sniff, William DiYorio, Jerry  
Gutierrez, Deputy McCollum, Deputy P.  
Salazar, Deputy Matthew Bell, Deputy  
Dominguez, Deputy Monzon, Deputy Bresyn,  
Sgt. Stone, Deputy Griesinger, Deputy  
Mitchell, Deputy Jesus Perez, Deputy Jonathan

Toan, Sergeant Christopher Wedel

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28